

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit Unknown

In re

Patent Application of

Matthew H. Lawler et al.

Application No. 10/574,385

Confirmation No. 2313

Filed: March 31, 2006

“MEASURING DEVICE, SUCH AS A SCALE OR
MEDICAL SCALE”

DECLARATION OF SHARON A. JOHNSON

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sharon A. Johnson, hereby declare that:

1. I am an Intellectual Property Administrator employed by Michael Best & Friedrich LLP, with its principal place of business located at 100 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202-4108, United States of America.

2. Pelstar, LLC, is a client of Michael Best & Friedrich LLP and is an Illinois Limited Liability Corporation with its principal place of business located at 7400 West 100th Place, Bridgeview, IL 60455 (hereinafter “Pelstar”).

3. Pelstar is the owner of rights in the above-identified patent application by virtue of the Assignment executed by joint inventor Matthew H. Lawler on June 4, 2007 and by joint inventor Paul D. Nizzere on July 11, 2007, a copy of each of which is attached hereto as Exhibit A.

4. The invention claimed in the above-identified application relates to the business of Pelstar.

5. On May 30, 2007, I sent a Declaration and Power of Attorney for Patent Application form and an Assignment form, for filing with the U.S. Patent and Trademark Office, under a cover letter addressed to Mr. Theron Kotze at his last known address, 1510 West Byron, Apt. #1, Chicago, IL 60613. Copies of the documents are attached hereto as Exhibit B. I requested that he return the executed forms to me no later than June 15, 2007. The letter and forms were sent to Mr. Kotze via Certified Mail, Return Receipt Requested. A copy of the receipt is attached hereto as Exhibit C.

6. On June 5, 2007, I received, at my desk at Michael Best & Friedrich LLP, the unopened package back from Mr. Kotze stamped "Attempted, Not Known" by the Post Office. A copy of the envelope is attached hereto as Exhibit D.

7. On May 29, 2007, I attempted to send an e-mail to Mr. Kotze with the Declaration and Assignment forms to his new work e-mail at tkotze@gmx.com, this e-mail was sent back to me as undelivered. A second attempt was made to sandloper@gmx.com (cc to tkotze@gmx.com) on June 11, 2007, this e-mail was sent back to me as undelivered. The e-mail addresses tkotze@gmx.com and sandloper@gmx.com were in our file in an e-mail from Pelstar to Michael Best & Friedrich. A third attempt was made to tkotze@gmxinternational.com on June 11, 2007, this e-mail was sent back to me as undelivered. I did a web search and found the e-mail address of tkotze@gmxinternational.com. All copies attached as Exhibit E.

8. As for the deadline of July 26, 2007 (with a 3-month extension of time) for filing the Response to Missing Requirements, Mr. Kotze could not be reached after diligent effort to execute the forms for this application.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are

punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing therefrom.

Dated this 24th day of July, 2007

Sharon A. Johnson
Sharon A. Johnson

EXHIBIT A

A S S I G N M E N T

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
Bridgeview, IL 60455

and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

Matthew H. Lawler
13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -

(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

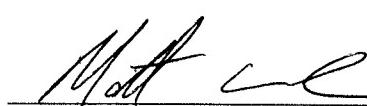
(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

6-4-07

Date:



Matthew H. Lawler

Date:

Paul D. Nizzere

Date:

Theron Kotze

A S S I G N M E N T

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(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date:

Date:

Date:

Matthew H. Lawler

Paul D. Nizzere

Theron Kotze

MICHAEL BEST

& FRIEDRICH LLP

Michael Best & Friedrich LLP

Attorneys at Law

100 East Wisconsin Avenue

Suite 3300

Milwaukee, WI 53202-4108

Phone 414.271.6560

Fax 414.277.0656

EXHIBIT B

Sharon A. Johnson
Direct 414.270.2731
Email sajohnson@michaelbest.com

May 30, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

Re: U.S. Patent Application Entitled
MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Applicant: PELSTAR, LLC
Inventors: Matthew H. Lawler, Paul D. Nizzere and Theron Kotze
Pelstar Project No. 3100
Our File No. 074408-9005-01

Dear Mr. Kotze:

I am working with Attorney Ed Lawson on this patent application.

The U.S. Patent Office requires an executed Declaration document (form enclosed), signed by each inventor for the above-identified patent application. Also enclosed is an Assignment document for you to sign and date.

Once you have signed and dated the forms, please return them to me in the enclosed self-addressed, stamped envelope. I will then file them with the U.S. Patent Office.

Please return the forms by June 15, 2007.

Please let me know if you have any questions.

Very truly yours,

MICHAEL BEST & FRIEDRICH LLP



Sharon A. Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.

Enclosures

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE (Attorney Docket No. 074408-9005-00), the specification of which was filed with our authority, on October 1, 2004, as International Application No. PCT/US2004/032609.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

As a named inventor, I hereby appoint the following registered practitioners associated with the customer number identified below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; and request that the Office direct all communication in or pertaining to this application to:

Customer Number

23409

I hereby claim priority benefit under Title 35, United States Code, §119 of the provisional U.S. patent application listed below:

Application Serial No.

60/508,565

Filing Date

3 October 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Matthew H. Lawler

Inventor's signature: _____ Date: _____

Residence: Homergeln, Illinois

Citizenship: United States of America

Post Office Address: 13738 West Ironwood Circle

Homergeln, IL 60441

Full name of inventor: Paul D. Nizzere

Inventor's signature: _____ Date: _____

Residence: Darien, Illinois

Citizenship: United States of America

Post Office Address: 7713 Stevens Street

Darien, IL 60561

Full name of inventor: Theron Kotze

Inventor's signature: _____ Date: _____

Residence: Chicago, Illinois

Citizenship: United States of America

Post Office Address: 1510 West Byron, Apt. #1

Chicago, IL 60613

A S S I G N M E N T

Pursuant to our obligation to PELSTAR, LLC (hereinafter referred to as "Assignee"), an Illinois Limited Liability Corporation having its principal place of business at:

7400 West 100th Place
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and for other valuable and sufficient consideration, receipt whereof is hereby acknowledged, we:

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13738 West Ironwood Circle
Homergeln, IL 60441

Paul D. Nizzere
7713 Stevens Street
Darien, IL 60561

Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

confirm our obligation to and hereby sell, assign and convey, unto Assignee, its successors and assigns, our entire right, title and interest -

(1) in and to an invention entitled "MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE" the specification of which was filed with our authority on 1 October 2004 as International Patent Application No. PCT/US2004/032609 (Atty. File No. 074408-9005 WO) ("PCT Application");

(2) in and to any United States national phase patent application based on said PCT Application, in and to all other patent applications (including divisional, continuation-in-part, §111(b) provisional, §111(a), and reissue applications) based upon said invention, and in and to the patent or patents to be granted thereon, including reissues thereof, if any, to the full end of the term or terms for which said patent or patents may be granted;

And we hereby agree that we will, upon demand of Assignee, its successors or assigns, and without further consideration to us, execute any and all papers that may be necessary, or deemed by Assignee, its successors or assigns, to be necessary, to a complete fulfillment of the intent and purposes of this Assignment, it being understood that any expense incident to the execution of such papers shall be paid by Assignee, its successors and assigns, and not by us.

And the Commissioner of Patents and Trademarks of the United States is hereby authorized and requested to issue the said United States patent or patents to Assignee.

Date:

Matthew H. Lawler

Date:

Paul D. Nizzere

Date:

Theron Kotze

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

EXHIBIT C

7001 2510 0001 1097 6947		MILWAUKEE Postmark Milwaukee, WI	
Postage	\$.97	Certified Fee	2.65
Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)	2.15
Total Postage & Fees	\$ 5.77		
Sent To Mr. Theron Kotze Street, Apt. No. or PO Box No. 1510 West Byron, Apt. #1 City, State, ZIP+4 Chicago, IL 60613			
PS Form 3800, January 2001 See Reverse for Instructions			

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="margin-left: 20px;">Mr. Theron Kotze 1510 West Byron, Apt. #1 Chicago, IL 60613</p>		<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number</p> <p style="margin-left: 20px;">079408-7006-0</p> <p>(Transfer from service label)</p>		<p>7001 2510 0001 1097 6947</p>	
PS Form 3811, August 2001		Domestic Return Receipt	
		102595-02-M-1540	

CERTIFIED MAIL

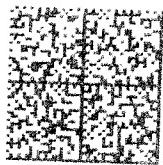


70012510-0001-0976947

\$ 05.770

MAILED FROM ZIP CODE 53202

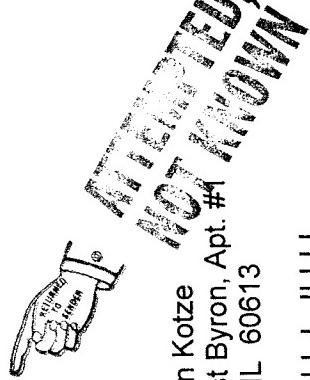
UNPAID POSTAGE



MICHAEL BEST

& FRIEDRICH LLP

100 East Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202-4108



Mr. Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

Received back
Undelivered
on June 5, 2007
SAJohnson

FIRST CLASS

EXHIBIT D

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Theron Kotze
1510 West Byron, Apt. #1
Chicago, IL 60613

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.4. Restricted Delivery? (Extra Fee) Yes2. Article Number *074408-7006-01*(Transfer from service label) *7001 2510 0001 1097 6947*

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

7001 2510 0001 1097 6947

EXHIBIT E

Johnson, Sharon A (12731)

From: Johnson, Sharon A (12731)
Sent: Tuesday, May 29, 2007 4:27 PM
To: 'tkotze@gmx.com'
Subject: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Attachments: DECLARATION (U.S. National Phase) (A1514953).DOC; ASSIGNMENT (U.S. National Phase) (A1514956).DOC

RE: U.S. National Phase Patent Application Entitled:
"MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE"
Serial No. 10/574,385
Filed: March 31, 2006
Our File No. 074408-9005-01

Dear Mr. Kotze -

I am working with Attorney Ed Lawson, at Michael Best & Friedrich, on this patent application.

The U.S. Patent Office requires an executed Declaration document, signed by each inventor (form attached). Also attached is an Assignment document for you to sign and date.

Once you have signed and dated the forms, please return them to me by e-mail and send the originals by mail. I will then file them with the U.S. Patent Office.

Please return the forms by June 15, 2007.

Please let me know if you have any questions.

Kindly,
Sharon Johnson
Intellectual Property Administrator
For Attorney Edward R. Lawson Jr.
Michael Best & Friedrich LLP



Johnson, Sharon A (12731)

From: Mail Delivery System [MAILER-DAEMON]
Sent: Tuesday, May 29, 2007 4:27 PM
To: Johnson, Sharon A (12731)
Subject: Undelivered Mail Returned to Sender

Attachments: Delivery report; Undelivered Message Headers



Delivery report.txt
(477 B)



Undelivered
Message Headers.tx

This is the mail system at host slot1.h-pmx-msp-13.binc.net.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to <postmaster>

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<tkotze@gmx.com>: host mx0.gmx.net[213.165.64.100] said: 550 5.1.1
<tkotze@gmx.com>... User is unknown {mx050} (in reply to RCPT TO command)

Johnson, Sharon A (12731)

From: Johnson, Sharon A (12731)
Sent: Monday, June 11, 2007 3:39 PM
To: 'sandloper@gmx.com'
Cc: 'tkotze@gmx.com'
Subject: FW: U.S. National Phase Patent Application Entitled: MEASURING DEVICE, SUCH AS A SCALE OR MEDICAL SCALE
Attachments: DECLARATION (U.S. National Phase) (A1514953).DOC; ASSIGNMENT (U.S. National Phase) (A1514956).DOC

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Thank you for your assistance with this matter.

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Michael Best & Friedrich LLP

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Attachments: Delivery report; Undelivered Message Headers



Delivery report.txt
(711 B)



Undelivered
Message Headers.tx

This is the mail system at host slot1.h-pmx-msp-13.binc.net.

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<sandloper@gmx.com>... User is unknown {mx082} (in reply to RCPT TO command)

<tkotze@gmx.com>: host mx0.gmx.net[213.165.64.100] said: 550 5.1.1

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The mail system

<tkotze@gmxinternational.com>: host mail.gmxinternational.com[65.38.185.164]
said: 550 sorry, no mailbox here by that name. (#5.7.17) (in reply to RCPT
TO command)